

86<sup>th</sup> Legislative Session – 2011

Committee: Senate Judiciary

Thursday, February 17, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Begalka  
P Hunhoff (Jean)  
P Nygaard  
P Vehle  
P Buhl  
P Cutler, Vice-Chair  
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15, 2011

Moved by: Buhl  
Second by: Cutler  
Action: Prevailed by voice vote.

MOTION: CONFIRM REAPPOINTMENT OF LYNNETTE B. GORDON OF LAWRENCE COUNTY, DEADWOOD, SOUTH DAKOTA, TO THE CRIME VICTIMS' COMPENSATION COMMISSION

Moved by: Cutler  
Second by: Nygaard  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

MOTION: REMOVE SB 164 FROM THE TABLE

Moved by: Begalka  
Second by: Nygaard  
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Buhl, Tieszen

Voting No: Vehle, Cutler

SB 141: grant limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance.

Presented by: Senator Larry Tidemann  
Proponents: Eric Haiar, SDSU Students' Association  
Brett Monson, SDSU Students' Association  
Emmett Reistroffer, Sioux Falls (Handouts: #1)  
Mark York, self, Brookings  
Jameson Berreth, self, Brookings  
Opponents: Paul Bachand, SD State's Attorneys Association  
Kelly Marnette, Hughes County States Attorney  
Nancy Kueter, self, Rapid City (Handouts: #2 & #3)

MOTION: AMEND SB 141

141rb

On page 1, line 5, of the printed bill, delete "offense" and insert "misdemeanor offense of underage consumption, open container, or public intoxication,".

On page 1, line 13, delete "offense" and insert "misdemeanor offense of underage consumption, open container, or public intoxication,".

Moved by: Cutler  
Second by: Begalka  
Action: Prevailed by voice vote.

MOTION: AMEND THE PENDING AMENDMENT

141rc

On page 1, line 7, of the printed bill, after "of" insert "emergency".

On page 1, line 10, after "of" insert "emergency".

Moved by: Hunhoff (Jean)  
Second by: Cutler  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 141 AS AMENDED

Moved by: Buhl  
Second by: Cutler  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Buhl, Cutler, Tieszen

Voting No: Vehle

SB 172: reduce the interest rate applied for certain judgements, liens, and damages.

Presented by: Senator Joni Cutler  
Proponents: David Owen, SD Chamber of Commerce & Industry  
Lindsey Riter-Rapp, SD Independent Auto Dealers Assn.  
Dick Tieszen, State Farm Insurance  
Mike Shaw, Pfizer, Inc.  
Tim Dougherty, Altria Client Services, Inc. and its Affiliates/3M Company  
Ron Olinger, SD Retailers Association  
Myron Rau, SD Trucking Association  
Opponents: Lorin Pankratz, Sanford Health  
Steve Siegel, SD Trial Lawyers Association

MOTION: AMEND SB 172

172fb

On page 1, line 7, of the printed bill, delete "~~Category B~~ Category A" and insert "Category B".

On page 1, line 9, after "actions" insert ", personal injury actions, and actions brought under § 37-24-31".

On page 2, line 10, delete "~~Category B~~ Category A" and insert "Category B".

On page 2, line 11, after "actions" insert ", personal injury actions, and actions brought under § 37-24-31".

Moved by: Nygaard  
Second by: Hunhoff (Jean)  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 172 AS AMENDED

Moved by: Nygaard  
Second by: Begalka  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

MOTION: PLACE SB 172 ON CONSENT CALENDAR

Moved by: Nygaard  
Action: Was not acted on.

SB 156: prohibit the employment of unauthorized aliens, to criminalize the knowing transportation, concealment, or solicitation of unauthorized aliens, and to provide penalties therefor.

Testimony was continued from the Tuesday, February 15, 2011 meeting.

Presented by: Senator Craig Tieszen  
Proponents: Larry Nelson, SD Police Chief's Association  
Opponents: Julie Johnson, Absolutely Aberdeen  
Pam Merchant, self, Brookings  
Responded to committee questions: Sister Janet Horstman, Presentation Sisters of Aberdeen

MOTION: AMEND SB 156

156rb

On page 2 of the printed bill, delete lines 21 to 24, inclusive.

Moved by: Nygaard  
Second by: Buhl

Action: Prevailed by voice vote.

MOTION: AMEND SB 156

156ra

On page 1 of the printed bill, delete lines 8 to 12, inclusive, and insert:

" Section 2. For the purposes of this Act, an unauthorized alien is any person who does not have the legal right or authorization under federal law to work in the United States."

On page 2, delete lines 10 to 20, inclusive.

Moved by: Tieszen  
Second by: Vehle  
Action: Prevailed by voice vote.

MOTION: AMEND SB 156

156re

On page 2, line 1, of the printed bill, after "program" insert "or through completion of I-9 forms".

Moved by: Begalka  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 156 AS AMENDED

Moved by: Tieszen  
Second by: Vehle  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Begalka, Vehle, Cutler, Tieszen

Voting No: Hunhoff (Jean), Nygaard, Buhl

MOTION: AMEND TITLE OF SB 156

156rtb

On page 1, line 1, of the printed bill, delete ", to".

On page 1, delete line 2.

Moved by: Tieszen  
Second by: Vehle  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 63, SB 178, SB 179, and HB 1041 UNTIL  
TUESDAY, JANUARY 22, 2011

MOTION: ADJOURN

Moved by: Hunhoff (Jean)  
Second by: Vehle  
Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

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Craig Tieszen, Chair